UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

NO. 1:19CR63

UNITED STATES OF AMERICA)
)
VS.)
JOSEPH C. VANDEVERE, JR.))

MOTION TO SEAL DOCUMENT

COMES NOW the defendant, by and through the undersigned counsel who pursuant to LCvR. 6.1 and LCrR. 49.1.1(d) does hereby move this Court to seal the Sentencing Memorandum and attached exhibits thereto and in support thereof does offer the following:

- The Sentencing Memorandum filed on behalf of the defendant includes as an exhibit, protected and confidential medical records of the defendant.
- 2. The Sentencing Memorandum itself, discusses the contents of those records in order to provide the Court with as complete an understanding as possible about the defendant's physical condition.
- 3. The defendant submits that in order to protect the defendant's confidential medical records that sealing of the document and

attachments are appropriate and are precisely the type of information that is proper for sealing.

WHEREFORE, the defendant hereby requests that the Defendant's Sentencing Memorandum and Request for Variance Sentence and attached Exhibits be sealed.

Respectfully submitted this the 16th day of May, 2020.

DEVEREUX & BANZHOFF, PLLC The Jackson Building 22 South Pack Square Suite 1100 Asheville, North Carolina 28801 (828) 285-9455 (828) 285-9457(fax)

by: s/Andrew B. Banzhoff
Andrew B. Banzhoff
N.C. State Bar # 26432
abanzhoff@dblawoffices.com

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the foregoing document was served on the United States Attorney's office by leaving a copy of said document at counsel=s office with a responsible employee therein, by hand delivery or by depositing a copy of the same with the U.S. Postal Service, first-class postage prepaid, or by service through the ECF system to the addressee below:

David.thornloe@usdoj.gov

This the 26th day of May, 2020.

s/ Andrew B. Banzhoff
Andrew B. Banzhoff